

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
May 24, 2006
7:00 p.m.

Attendance: Mayor Linda Measner, Mayor Pro Tem Janie Lichtfuss, Trustees Gary Frank, Milt Tokunaga, Ted Chavez, Julie Cozad and Peggy Wakeman. Also present were Town Engineer Larry Ketcham, Finance Director Diana Vasquez, Public Works Director and Co-interim Administrator Mike Woodruff, Police Chief and Co-interim Administrator Jim Burack, Senior Coordinator Lois Ann Onorato, Deputy Town Clerk Jessi Day, and Town Planner Danna Ortiz. Town Attorney Fickel, press and audience were also present.

PUBLIC HEARING

Adoption by Reference of Changes to the Milliken Municipal Code

Mayor Measner opened the public hearing at 7:02 p.m.

Mayor Measner stated that the public hearing would be postponed until later in the meeting.

REGULAR MEETING

Mayor Measner called the regular meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA

Co-interim Administrator Mike Woodruff removed Item "e", made Item "f" Item "e", made Item "g" Item "f", removed Item "h", and added Item "g", Platte Sand and Gravel Use by Special Review.

AUDIENCES WITH INDIVIDUALS

Carrie England, resident at 381 E. Ilex, stated a concern with a parking ticket placed on a truck at her residence. Police Chief Jim Burack stated he had discussions with her previously, and that at this point it was a matter that should properly be reviewed in Municipal Court. Attorney Bruce Fickel stated that the Board does not have the authority to act on a parking ticket, and confirmed that Ms. England needs to come before Municipal Court.

REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS

Mayor Pro Tem Lichtfuss mentioned the Dove Valley groundbreaking ceremony, commenting that there was a great turnout for the event. A number of local dignitaries spoke and Milliken Elementary's 2nd grade class participated in the groundbreaking. Ten doves were released, representing the ten buildings that will be built in the project.

Trustee Cozad attended her first official MPO meeting, as well as an MPO orientation with Trustee Wakeman. The next MPO meeting will be June 1 in Windsor, and the MPO summit is scheduled for June 13, which will also be in Windsor. Trustee Cozad also attended the Milliken Trails and Open Space Committee meeting, which meets the third Monday of each month at the Public Works facility.

Trustee Wakeman informed the Board that the Milliken Business Association is continuing the planning process for Milliken Madness Day. Set for July 16, the event will include a car show and street dance; more information will be out soon.

CONSENT AGENDA

Trustee Wakeman pulled the meeting minutes due to a correction.

Motion to approve the List of Bills for May 24, 2006, and Solid Waste Services Contract Extension was made by Trustee Wakeman, seconded by Mayor Pro Tem Janie Lichtfuss.

Vote: All in favor none opposed. Motion carried.

Approval of Minutes for May 10, 2006.

Discussion: Trustee Wakeman noted that there was no indication of which trustee seconded the motion for the Employee Reimbursement in the minutes. Consensus was that Trustee Cozad seconded the motion. Deputy Clerk Jessi Day stated she would make the correction.

Motion to approve Minutes for May 10, 2006 with corrections was made by Trustee Wakeman, seconded by Trustee Cozad.

Vote: All in favor none opposed. Motion carried.

Trustee Wakeman indicated that she would like to discuss with staff the List of Bills. She would like to reduce the List of Bills to what the Board will specifically be approving the night of the meeting. She stated that the addition and changes reflected on the revised List of Bills that is distributed to the Board just prior to the meeting does not allow the Board sufficient time to review the items. Finance Director Vasquez asked that the Board allow staff some flexibility, for emergencies, but the change is okay with staff. The rest of the Board also approved.

PUBLIC HEARING

Adoption by Reference of Changes to the Milliken Municipal Code

Mayor Measner resumed the public hearing at 7:14 p.m.

Town Attorney Bruce Fickel said that adopting the changes to the municipal code brings it up to date, and that the changes would go into effect immediately. He also said that the proposed adoption of the 2003 International Fire Code required a different legal process and therefore would be dropped from this compilation of code changes. Chief Jim Burack stated that the need for the methamphetamine provision comes from the need for a county-wide policy.

Trustee Wakeman asked if the ordinance would be published, and Chief Burack stated that notice of the changes was published in accordance with state statute.

Mayor Measner closed the Public Hearing and resumed the regular meeting.

Motion to adopt Ordinance #541, an Ordinance of the Town of Milliken Adopting Changes and Repealing All Ordinances in Conflict to the Milliken Municipal Code, adding an emergency clause for the health, safety, and welfare of the community, to take effect immediately, made by Trustee Wakeman, seconded by Mayor Pro Tem Lichtfuss.

Vote: All in favor none opposed. Motion carried.

ACTION AGENDA

Potential Water System Modifications

Town Engineer Larry Ketcham provided the Board a summary and background of the water system issues at hand. Engineer Ketcham described the Town's water system infrastructure, operations, water sources, and pressure zones. There are three pressure zones in town: a high pressure zone in the north fed by the City of Greeley, a high zone in the south fed by Central Weld County Water District (CWCWD), and a low zone in the central part of Town fed by Greeley, CWCWD, and the Town's well. An explanation was then provided on existing developments and the proposed developments in the queue, Peregrine Creek and Platte River Village, which are located in the south pressure zone. As approved subdivisions are commencing waterline extensions in the southern reaches of the Town's water system, and other developers are contemplating improvements to the water system for their subdivisions, the Town has some opportunities to consider modifications to the water system overall.

Engineer Ketcham informed the Board that he invited residents living in the Wildcat Acres subdivision, most of which were present, to the Board meeting because it was likely that any decision made would affect the water pressures they have at their

residences. The southern high pressure zone had been subject to severe pressure surges a year ago. The area is still having pressure swings now, although they are not as drastic as before. Currently pressures in the southern portion of Town are 30 pounds per square inch (psi) lower than those historically seen by Wildcat residents approximately a year and a half ago, before the pressure swings. This current pressure is consistent with the “lower central zone.”

Engineer Ketcham outlined three options to alleviate the pressure problems in the south zone. First would be to raise water pressures to historical levels, which would mean pressures would most likely exceed 100 psi. The second option would be to move the pressure zone line in Quentine Avenue from WCR 46 to WCR 44, keeping the Wildcat Acres water system as it currently stands, without adding a loop in the system. The third option would be to move the pressure zone line similar to option two, but to loop the water system through the Peregrine Creek water system. Option three would improve both subdivisions’ water systems.

Engineer Ketcham reminded the Board that Staff and the Town Board share the responsibility to ensure the long term viability of the water utility, which includes the protection of health and safety of our residents. Fire protection is one aspect of public safety that is impacted by the water pressures. The current level of fire flows in Wildcat Acres is approximately 600 gallons per minute (GPM). A model of the Town’s water system indicates that the subdivision could obtain a flow of 1300 GPM if the pressure zone line is moved. In addition to safety, sprinkler systems and in-home water uses are impacted by the pressures. Engineer Ketcham suggested that because there are other subdivisions in the queue, it is appropriate to make some decisions on infrastructure correctly at the onset.

Trustee Tokunaga asked what the costs would be for the proposed improvements. Engineer Ketcham estimated that for alternative three, a total of \$100,000 (\$40,000 for the PRV and vault, and \$60,000 for the waterline loop). Engineer Ketcham confirmed that the money could come from the water fund, and perhaps even spread out over the next budget cycle. Trustee Frank asked what the pressure readings are now compared to the readings taken six months ago. Engineer Ketcham stated that the pressures are generally 30 psi lower, but there are still some variances, on the order of 25 psi. These spikes are not as extreme as they were a year ago, but they are still there and likely contributing to the residents’ frustration. Engineer Ketcham indicated he would like to stay within the typical design range of 40-90 psi. Anything greater than 90-100 psi would need a pressure release valve (PRV). Trustee Tokunaga asked if the pressure swings would average or level out with a new system, and Engineer Ketcham stated that yes, pressure would be more consistent, but lower than historic. He added that the resident at the top of the hill would see less pressure than the resident at the bottom of the hill.

Ray Grimaldo, resident at 420 Bobcat Drive, stated that current pressures are impacting his sprinklers and indoor plumbing. He said that there are more homes in Wildcat Acres than there were two years ago and problems have increased since then. He asked if the PRV (installed by the Town last fall) can be adjusted for 90 psi. Engineer Ketcham said

that a PRV's are typically pre-set for around 70 psi. Resident Lori Grimaldo, 420 Bobcat Drive, stated that residents of Wildcat Acres cannot use water during peak use hours. She asked what caused the change in pressure in the water system initially. Engineer Ketcham said he did not know. He added that when dealing with government and/or quasi-governmental entities, answers are unfortunately not always easy to get. She then asked who has the key to the locked gate that provides another entry for emergency vehicles. Engineer Ketcham said he did not know, but that most likely, the Milliken Fire District would simply cut the lock if need be. Dean Prather, Fire Marshal for Milliken Fire District, informed everyone that the fire department has a copy of the key to the gate, but is unsure who has the master key. He stated that the MFD can work with the Wildcat Homeowners Association on other options for the gate, such as a "knox-box."

Scott Haskin at 660 Bobcat Drive is the resident at the top of the hill in the subdivision, and he stated that neither solution will work. He stated that a complete redesign of sprinkler systems will have to occur. Jim Parks, 380 Bobcat Drive, stated that he does not have any water pressure, and suggested that the Board listen to the Engineer, as he is "on to something." Michelle Cruise at 100 Bobcat Drive asked if water pressures will ever increase, because sprinklers do not function properly, and there are shower and other internal water problems. Ray Grimaldo stated his preference to restore pressures to historical levels, since everything used to work fine. Carlos Gerrera, 201 Puma Lane, asked if the current reduced pressure creates a risk of the MFD causing a vacuum in the system while fighting a fire, and Engineer Ketcham stated that is was not. Mr. Gerrera then asked if the problem could be related to a design error, but Engineer Ketcham thinks it is a mechanical problem since the system functioned several years ago without apparent problems. Charlene Danczak, 421 Bobcat Drive, stated that Central Weld needs to pay attention to what is happening at Wildcat Acres. Engineer Ketcham replied that according to Central's contract, Wildcat is not their concern; it is the Town's. The reality is unfortunately that within the southern zone, the controlling PRV is Central's, so the Town has little to no control. Again, Engineer Ketcham reiterated that this is why he is requesting the pressure zone be changed, thus bringing the residents into a zone which has multiple water providers and is more under control of the Town.

Trustee Tokunaga asked if a pump can be installed to help increase the pressures. Engineer Ketcham stated yes, an individual house could install a pump similar to what most well owners use, but he is not aware of how much it may cost as he is unfamiliar with the specifics. Trustee Cozad asked if water volume is affected by watering more often. Engineer Ketcham said not really. Pressure and volume are different, but in small piping associated with a home, for example, pressure is what people notice. If a water system has a better supply, the volume will improve and the normal pressure drop (static vs. residual) is reduced. But again, this difference is not always noticed. Trustee Cozad then asked if someone watering daily uses the same amount of water as someone watering for the three allowed days. Engineer Ketcham said no, someone watering daily uses more water. Trustee Cozad then went on to ask if there is a possibility for a second non-potable irrigation system. Engineer Ketcham said yes, but it is something that cannot be accomplished in one year. Scott Haskin asked why the situation has to be one or the other; he asked why the Town cannot develop a second line and restore pressures to the

historic level. Engineer Ketcham stated that doing both becomes an issue of infrastructure and cost.

Mayor Measner closed the Public Hearing.

Mayor Measner asked Engineer Ketcham if staff is looking for direction, and he answered yes. Trustee Wakeman asked if this is in the budget; Engineer Ketcham stated no, but there is \$600,000 allocated for capital improvements in the water system, so it is possible to shift priorities within the water projects. Mayor Pro Tem Lichtfuss asked if moving the pressure zones really solves the issue, and Engineer Ketcham stated that if the zone line is not moved, nothing will change, and the problems will not only continue, but increase in area as more residents tie in to the system. Trustee Cozad asked if restoring pressures to historical levels could bring more surges, and he confirmed that yes, surges would still be possible. Trustee Frank asked the Engineer what pressure effects would occur to the overall Town water line if a PRV is installed in the upper elevation of the subdivision. Mr. Ketcham reassured the Board that the lower central pressure zone will not be affected; a PRV can and will be set to what the Town wants, so there will not be a negative effect on the rest of the system. Mayor Measner asked if the pressure is raised to historical levels, will the Town be able to control any surges in pressure. Engineer Ketcham stated that the individual PRV's which have already been installed provide some buffer, but there is always a time delay that could potentially allow a surge to get through. It is possible to install a series of mainline PRV's, which create more pressure zones; unfortunately this is very expensive and can hamper future developments.

Trustee Cozad stated that she supports Larry's recommendation because as Town Engineer, he has studied the alternatives and feels he is competent in handling the matter. She stated that she is in favor of changing the zone and looping it into Peregrine Creek's zone. Trustees Wakeman and Frank, and Mayor Pro Tem Lichtfuss, also stated their support for Engineer Ketcham's recommendation. Trustee Chavez stated that he would like to see pressures restored to historical levels. Consensus was to support Engineer Ketcham's recommendation.

Motion to move the pressure zone in Quentine Avenue from WCR 46 to WCR 44 and to loop the Wildcat Acres water system through the Peregrine Creek water system to improve both subdivisions' water systems was made by Trustee Cozad, seconded by Trustee Frank.

Discussion: Trustee Wakeman asked if there will be opportunity for these improvements to be completed or funded as new subdivisions are built. Engineer Ketcham stated that modifications are considered a replacement to the current fixture, so the Town will bear the cost. Trustee Tokunaga asked if it is possible to use a water storage tank to help in the future. Engineer Ketcham stated that a water storage tank would solve the fire flow issue, as a tank's primary purpose is to provide fire protection, as well as the pressure surge issue. When the changeover to include Wildcat Acres into Peregrine Creek's water

system into the lower central zone does occur, it will take a day to cut and drain the line, which will leave residents without water for a day to a day and a half. Water supply to residents may be very limited during the tie-in, as well.

Vote: All in favor none opposed. Motion carried.

Ordinance #540 – An Ordinance Repealing Ordinance #501, Imposing Mandatory Water Conservation Measures for Users of Milliken’s Water System

Public Works Director Mike Woodruff explained the proposed changes made to the watering ordinance. It would eliminate specified fines and would allow the Town Attorney and Municipal Judge to exercise discretion in imposing penalties for violations. It would now allow drip irrigation and hand watering on Sundays to accommodate residents who need to water shrubs and trees on the weekend. In order to take effect immediately, there is an emergency provision.

Trustee Cozad asked if small fountains require a variance, and Director Woodruff said yes, with the Town’s intention to keep waste and irrigation under control. He added that owners with hot tubs must also obtain a variance.

Motion to approve Ordinance #540, an Ordinance Repealing Ordinance #501 and Imposing Mandatory Water Conservation Measures for Users of Milliken’s Water System, made by Trustee Cozad, seconded by Mayor Pro Tem Lichtfuss.

Vote: All in favor none opposed. Motion carried.

Platte Sand and Gravel Use by Special Review

Motion to reconsider the motion and decision made by the Board at the May 10, 2006 meeting, made by Mayor Pro Tem Lichtfuss, seconded by Trustee Wakeman.

Discussion: Mayor Pro Tem Lichtfuss indicated that the Board made the initial decision because of non-compliance by Platte Sand and Gravel, specifically the bond and the road improvement issues. She stated that the Board felt they could not vote “for” the applicant’s request unless the two issues were resolved. Trustee Tokunaga stated his objection was based upon the need for compliance before a rejection or acceptance is granted the applicant. He also stated that his biggest concern is the bond issue. Trustee Cozad said she has issues with more than the two issues mentioned above. She is also concerned with Platte Sand and Gravel’s past compliance issues. She would like to establish a way to ensure compliance for the neighbors’ sake, more often than an annual report would allow.

Trustee Gary Frank asked if the applicant had made changes since the May 10 meeting. Trustee Cozad asked if it was appropriate to hear directly from the applicant now, without giving adequate notification to neighbors. Mayor Measner said no. Trustee

Wakeman stated that upon reviewing Board comments from the last meeting, the trend was to say nothing when the Mayor asked if all were in favor. Trustee Cozad clarified that her vote against the applicant's request was against the motion for approval, but she is willing to hear changes the applicant makes.

Vote: Six in favor with one opposed (Trustee Cozad). Motion carried.

Motion to reconsider the Platte Sand and Gravel Use by Special Review at the June 14, 2006 Board meeting, allowing time to notify residents, made by Mayor Pro Tem Lichtfuss. Trustee Cozad recommended a 30 day minimum, which is the requirement for other applications. Motion died due to lack of second.

Motion to reconsider at the June 28, 2006 Board meeting, made by Trustee Tokunaga, seconded by Trustee Chavez.

Vote: Five in favor, two opposed (Mayor Pro Tem Lichtfuss and Trustee Cozad). Motion carried.

Adjournment

Mayor Measner adjourned the meeting at 9:02 p.m. as there was no further business.

Jessi Day, Deputy Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor